



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

---

নং 104 দিশপুৰ, শুক্ৰবাৰ, 12 ফেব্ৰুৱাৰী, 2021, 23 মাঘ, 1942 (শক)  
No. 104 Dispur, Friday, 12th February, 2021, 23rd Magha, 1942 (S. E.)

---

GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

## NOTIFICATIONS

The 11th February, 2021

**No.LLE.85/2021/953.-** The following Bill introduced in the House **on 11<sup>th</sup> February, 2021** along with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information.

# THE ASSAM MUNICIPAL EMPLOYEES BILL, 2021

## A

## BILL

to provide the responsibility of the State Government for giving the service security to the regular employees of the Municipal Board under the Assam Municipal Act, 1956.

Assam Act  
No. XV of  
1957

### Preamble

Whereas it is expedient to provide for posting of the in service regular employees of Municipal Boards in General Areas of Assam on contractual basis by the State Government through signing of agreement and their transfer and also to provide additional service benefits in the Municipal Boards established under the Assam Municipal Act, 1956 and for matters connected therewith and incidental thereto.

Assam Act  
No. XV of  
1957

It is hereby enacted in the Seventy-second Year of the Republic of India, as follows:-

### Short title, extent and commencement

1. (1) This Act may be called the Assam Municipal Employees Act, 2021.

(2) It shall be extended to the whole of Assam in the Municipal Board areas except the Autonomous districts under the Sixth Scheduled areas to the Constitution of India and shall exclude any areas which has been or hereinafter may be included in Panchayat or a Cantonment constituted under the Assam Panchayat Act, 1994 and the Cantonment Act, 1924, respectively or by any other Act.

Assam Act  
No. XVIII.  
of 1994  
Act No. 2  
of 1994

(3) It shall come into force at once.

### Definitions

2. In this Act, unless there is anything repugnant in the subject of context,-

(a) "Appointed Day" means on or before 4<sup>th</sup> September, 2013.

(b) "date of appointment" means in relation to any employee, the date on which he joined the service under the Municipal Board.

(c) "Director" means the Director of Municipal Administration, Assam.

(d) "Employee" means a person in the employment under the Municipal Board against the regular sanctioned post.

(e) "notification" means the notification published in the Official Gazette.

(f) "Municipal Board" means the Municipal Boards established under the Assam Municipal Act, 1956 as amended including all earlier Town Committees which are now converted into Municipal Board.

Assam Act  
No. XV of  
1957

(g) "prescribed" means prescribed by rules made under this Act.

(i) "State Government" means Government of Assam.

Posting of in service regular employees of Municipal Boards in General Areas of Assam on contractual basis through signing of agreement and transfer and also to provide additional service benefits under State Government

3. All employees appointed on or before 4<sup>th</sup> September, 2013 under the Municipal Boards including all earlier Town Committees now converted into Municipal Boards in the General areas of Assam under the State Government shall be deemed to have been posted on the following terms and conditions namely:-

(a) All the appointments shall be made on contractual basis through signing of separate agreement as may be prescribed, subject to the instructions issued by the Personnel Department and Finance Department for the State Government from time to time.

(b) All rules including service rules of conduct and discipline and appeal which are applicable to the Government employee of the corresponding grade and similarly placed shall be applicable to all employees of the Municipal Boards.

(c) All employees shall get such emoluments as salary and allowances etc. as are admissible to the Government employees of similar category:

Provided that no employee shall get as emoluments any amount which is less than the amount he has been receiving immediately before the appointed day.

(d) Services of all employees shall be encadred in the appropriate cadres in accordance with the rules as may be prescribed for this purpose in consultation with Personnel Department and Finance Department of the State Government.

(e) The Inter-Se-Seniority of the employees of the cadre or class shall be determined on the basis of the principles laid down in the rules as may be prescribed.

(f) Notwithstanding anything contained in section 50 and any other sections of the Assam Municipal Act, 1956 (as amended), the Director of Municipal Administration, Assam shall be the appointing authority in respect of all the Non-Gazetted post of Municipal Board and the Governor of Assam shall be appointing authority in respect of all Gazetted posts under the Municipal Board and this provision shall have overriding effect on the section 50 and any other section of the Assam Municipal Act, 1956.

Assam Act  
No. XV of  
1957

Assam Act  
No. XV of  
1957

Protection of action taken in good faith

5. No suit or other legal proceeding shall lie against the Government or any officer or authority of the Government or any other person for anything which is in good faith done or intended to be done under this Act.

Power to make  
Rules

6. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) Without prejudice to the generality of the foregoing provision, the State Government may make rules to provide for all or any of the following matters namely:-
- (i) The norms and principles of encadrement of the employees in the appropriate cadre under section 3;
  - (ii) Manner and principles under which inter-Se-seniority of the employees shall be determined under section 3;
  - (iii) Any other matter of the Municipal Boards which is required to be, or may be prescribed.
- (3) Every Rule made under this section shall laid as soon as may be after it is made, before the Assam Legislative Assembly while it is in session for a total period of 14 days which may be comprised in one session , or in two successive sessions and if before the expiry of the session in which it is so laid of the session, immediately following the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form, or be of no effect as the case may be:
- Provided, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## Interpretation

7. If any question arises as to the interpretation of this Act or the rules made thereunder, the same shall be referred to the Government whose decision therein shall be final.

Power to remove  
difficulties

8. If any difficulty arises in giving effect to the provisions of this Act, the Governor may, by an order published in the Official Gazette do as the occasion require anything not inconsistent with the provisions of this Act, which appear to him to be necessary or expedient for the purpose of removing the difficulty.

Act to have  
overriding effect

9. The provisions of this Act shall have overriding effect on the provision of the Assam Municipal Act, 1956, notwithstanding anything contained contrary to the said Act.

Assam Act  
No. XV of  
1957

### STATEMENT OF OBJECTS AND REASONS

The Bill namely The Assam Municipal Employees Bill, 2021 seeks to provide the responsibility of the State Government for giving the service security to the regular employees of the Municipal Boards under the Assam Municipal Act, 1956. The salary and wages of regular and muster roll (i.e. sweepers and drain cleaners) employees of Municipal Boards including terminal benefit of regular employees constitute the main component of establishment. The Third Assam State Finance Commission defined the financial position of the urban local bodies (ULBs) as very poor which are hardly in a position to provide quality civic services to the urban dwellers. As per 2011 census, Assam is one of the less urbanized States of India with only 14.08 percent of the population living in urban areas. Despite the slow pace of urbanization, ULBs of Assam have not been able to provide the minimum required civic amenities and infrastructure to the city dwellers. Unlike the Panchayati Raj Institutions, the employees of Municipal Boards are not yet provincialised. The major effort of the ULB administration is therefore concentrated on maintenance of their employees.

The Bill aims to achieve the followings.

1. Posting of 1653 nos. of regular employees out of total strength of 5170 posts borne in service of Municipal Boards in General Areas of Assam on contractual basis by the State Government through signing of separate agreement and their transfer and also to provide additional service benefits till attaining the age of 60 years subject to satisfactory Annual Performance Report with financial involvement of Rs.90,29,04,492.00 for one financial year for 1653 posts. The remaining 3517 nos. of posts out of total 5170 are yet to be created for which similar proposals will be made in phased manner in due course.
2. Entitlement of benefit such as Medical re-imburement benefit as per rule to the contractual employees up-to Rs. 5.00 lakh annually for himself/herself and his/her immediate dependent/s.
3. Entitlement of Casual Leave (CL), Earned Leave (EL), Maternity Leave (ML) and Child Care Leave (CCL) as per Rule for Vacation Department of the Government of Assam.
4. Salary and increment as per ROP in force and also the benefits of CPF etc. No pensionary benefits will be delivered to these contractual employees.

**PIJUSH HAZARIKA,**

Minister of State (Independent Charge),  
Urban Development Department.

**A. N. DEKA,**

Secretary,  
Assam Legislative Assembly.

### **FINANCIAL MEMORANDUM**

The proposed Bill which is to provide for posting of the regular employees borne in service of Municipal Boards in General areas of Assam on contractual basis by the State Government through signing of separate agreement and their transfer and also to provide additional service benefits in the Municipal Boards established under the Assam Municipal Act, 1956 would require additional financial implication and the same will be provided under the Annual Budget from time to time.

### **MEMORANDUM OF DELEGATED LEGISLATION**

The Government does not propose to delegate any legislative powers to any agency subordinate to it in this Bill except as per the Rules to be prescribed thereunder.

**A. N. DEKA,**  
Secretary,  
Assam Legislative Assembly.